

LEGISLATIVE UPDATE

COVERING CRIMINAL JUSTICE LEGISLATIVE ISSUES

NOVEMBER 2001, No. 12

DEPARTMENT OF PUBLIC ADVOCACY



RESOLUTION

Resolves the Governor, Attorney General,
Kentucky Justice Cabinet,
Richard H. Morley, Jr.,
Miss, Monday, Tuesday & Wednesday

ANALYSIS

John Allen, Executive Director
Kentucky Criminal Justice Institute

County of Public Defender Commission
Attorney General

Robert H. Gentry, Jr.
Tennessee, Kentucky, Illinois & Ohio

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The Blue Ribbon Group on Indigent Defense for the 21st Century (BRG) commends the Governor and the General Assembly for their courageous and insightful significant first step toward adequate funding for indigent defense in the 2000 General Assembly. The first phase allowed for an increase in salaries, greater retention of attorneys, some reduction in caseloads, and progress in creating a full-time system. The second phase of the BRG plan includes completion of a fully funded full-time public defender system throughout the state. In light of the historical impact of economic decline, higher caseloads can be expected in the immediate future.

Accordingly, the BRG urges immediate action to fully fund the Public Advocacy system in order to achieve this constitutionally mandated basic service for the people of the Commonwealth of Kentucky.

Robert F. Stephens
Co-Chair

Michael D. Bowling
Co-Chair

"Improving Indigent Defense for the 21st Century"

The Blue Ribbon Group

- Sponsored By -

Public Advocacy Commission and Kentucky Department of Public Advocacy

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Progress Has Been Made Creating A Public Defender System For The 21st Century; Significant Unfinished Business Remains

The Blue Ribbon Group (BRG) was faced with a serious crisis in the delivery of indigent defense services when it met in 1999. The BRG was concerned that from the perspective of every available benchmark, Kentucky's public defender system was in trouble. Entry level public defender salaries were among the lowest in the nation at \$23,388. Cost per case was among the lowest in the nation at \$187 per case. Funding per capita was among the lowest in the nation at \$4.90. The BRG found that without a significant increase in funding, the predicted consequences were dire. The full-time system would fail, lawyers and support staff would leave DPA, caseloads would rise "to the breaking point especially in cities such as Louisville," the DPA would be forced to stop serving some defendants in some courts, cases would have to be retried due to findings of ineffective assistance of counsel, other criminal justice agencies, especially courts, would be frustrated by an inadequate indigent defense system, and Kentucky would be at risk of a successful statewide systemic lawsuit. The BRG recommended that \$11.7 million annually be placed into indigent defense in order to avert the crisis.

The reaction to the BRG recommendations was favorable among Kentucky policymakers. The Kentucky Criminal Justice Council endorsed 11 of the 12 recommendations made by the BRG. Governor Patton supported the work of the BRG by placing \$10 million into his proposed biennial budget, including \$4 million during the first year and \$6 million during the second year of the biennium. The 2000 General Assembly passed the Governor's budget. Only \$5.7 million remains from the original \$11.7 to be added to indigent defense in order to complete the BRG recommendations.

The \$4 million added to DPA's budget in FY01 and \$6 million in FY02 has resulted in great improvement to the Kentucky public defender system. Reviewing each of the benchmarks captures this progress:

- Defender entry-level salaries have increased from \$23,388 in 1999 to \$33,425 today.
- Funding per-capita has increased from \$4.90 in FY98 to \$7.14 in FY02.
- Cost-per-case has risen from \$187 in FY98 to \$250 in FY01.

The added funding also enable the full-time system to continue to develop at the trial level, as recommended by the BRG. In 1999, 82 counties were covered by a full-time system. Today, 105 counties are being covered by a full-time system. In April of 2002, an office will open in Bullitt County and the Murray Office will be completed, allowing for 5 new counties to be served by a full-time office. By the end of this fiscal year, 110 counties will be part of Kentucky's full-time system at the trial level.

In addition to completing the full-time system, the BRG was also concerned about high defender caseloads. The BRG in Recommendation No. 6 stated that "full-time trial staff should be increased to bring caseloads per attorney closer to national standards. The figure should be no more than 350 in rural areas and 450 in urban areas." In FY99, the average number of new cases opened per attorney that year was 475. By FY01, that average number had declined to 420. Overall, caseloads for the individual full-time trial public defender have been reduced by 11.5% since 1999.

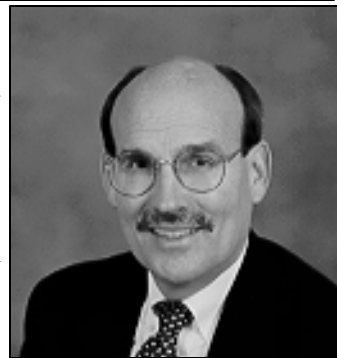
The crisis of 1999 has been averted. The \$10 million infusion of General Fund moneys over the biennium has resulted in significant improvement to the Kentucky public defender system.

On September 26, 2001, the Blue Ribbon Group convened and reviewed favorably the progress that had been made. In the resolution passed that day, the BRG commended "the Governor and the General Assembly for their courageous and insightful significant first step toward adequate funding for indigent defense in the 2000 General Assembly. The first phase allowed for an increase in salaries, greater retention of attorneys, some reduction in caseloads, and progress in creating a full-time system."

The Blue Ribbon Group recognized that there was unfinished business. The BRG affirmed that the \$11.7 million called for in 1999 needed to be completed. "The second phase of the BRG plan includes completion of a fully funded full-time public defender system throughout the state." The BRG also saw trouble ahead in the declining economy. "In light of the historical impact of economic decline, higher caseloads can be expected in the immediate future."

The BRG called upon policymakers to complete what the BRG had started in 1999. "Accordingly, the BRG urges immediate action to fully fund the Public Advocacy system in order to achieve this constitutionally mandated basic service for the people of the Commonwealth of Kentucky."

DPA has a two-step plan presented to and affirmed by the Blue Ribbon Group. This plan calls for \$2.3 million in phase one in order to begin the improvements. The second phase would fully fund the BRG recommendations and would add \$5.7 million to the \$6 million placed into the General Fund in FY02. Details of this plan are described in the remainder of this newsletter. ■



Ernie Lewis, Public Advocate

Blue Ribbon Group Finding #5: “The DPA Per-Attorney Caseload Far Exceeds National Caseload Standards.”

Blue Ribbon Group (BRG) Recommendation No. 6 reads: “Full-time trial staff should be increased to bring caseloads per attorney closer to the national standards. The figure should be no more than 350 in rural areas and 450 in urban areas.” National standards are as follows:

- No more than 400 misdemeanors per lawyer per year.
- No more than 200 juvenile cases per lawyer per year.
- No more than 150 felonies per lawyer per year.
- A mix of the above.
- Death penalty cases are not included in the national standards. Some death penalty cases involve 400-1000 hours for each of two lawyers.

In the original 2000 budget proposal supported by the BRG, 35 trial lawyers were requested. At that time, the average caseload for Kentucky public defenders was 475, with some offices featuring caseload-per-attorney at far higher levels. As a result of additional staff being added to existing offices to cover new counties, and also as a result of a somewhat static crime rate, caseloads per attorney have declined from 475 in FY99 to 420 by FY01, an 11.5% per attorney decrease.

The 2000 General Assembly was able to fund only 10 of the requested 35 attorney positions. The funding for the 10 caseload reduction attorneys becomes available in April of 2002. However, through efficiencies, DPA has been able to start 6 of the 10 lawyers prior to April of 2002. This should allow for caseloads for FY02 to reflect a further slight decline.

Caseload Increased 3% in FY01

There are several other factors to consider when examining the problem of high caseloads for public defenders in Kentucky. Fortunately, the overall violent crime rate has been declining for much of the past decade. On the other hand, when DPA opens a trial office, the court-appointments double and even triple above previous appointment levels. That is a partial explanation for DPA’s 3% increase in trial level caseloads between FY00 and FY01 at a time when the crime rate was declining.

Several Offices Remain Where Caseloads Are Far Too High.

DPA’s Annual Caseload Report for FY01 reflects that there remain offices where caseloads continue to be far too high, even after the placement of 6 of the 10 caseload reduction lawyers. These offices are as follows:

- Paducah—552
- Madisonville—496
- Columbia—479
- London—472
- Elizabethtown—555
- Frankfort—483
- Hopkinsville—472
- Bell—448
- Morehead—445
- LaGrange—414
- Louisville—405

Blue Ribbon Group Recognizes That Economic Decline Will Increase Caseloads

The economic decline that has increased following the events of September 11, 2001 further complicates this issue. *The Blue Ribbon Group Resolution* adopted on September 26, 2001 states that: “In light of the historical impact of economic decline, higher caseloads can be expected in the immediate future.”

DPA 2002 Budget Request

DPA is requesting 15 additional caseload reduction lawyers in its 2002 budget request. These will be placed in offices with the highest caseloads in order to make more progress toward the BRG’s goal of consistency with national standards. These 15 caseload lawyers would cost \$285,699 in FY03, and \$1,058,085 in FY04. ■

“Thou shalt not ration justice.”

Justice Learned Hand

Blue Ribbon Group Recommendation #3: “The Full-Time System Should Be Completed.”

The Public Advocacy Commission has long affirmed a goal of having all trial level services provided by a full-time attorney located in a trial office. By 1996, a full-time public defender office covered only 47 counties of Kentucky's 120 counties. In 73 counties, part-time private lawyers were on contract with DPA to provide services to court-appointed clients. While some of the lawyers provided excellent service, there was little oversight or accountability, courts were reluctant to appoint eligible clients due to the low compensation for the lawyers, and the public and courts were in general not being served well. At the same time, the trend among prosecutors in circuit court was toward increasing the number of counties being served by full-time Commonwealth's Attorneys.

The 1998 General Assembly affirmed the goal of providing for full-time public defenders at the trial level. \$2.3 million in additional moneys was made available in part to expand the full-time public defender system. Offices were opened in Owensboro, Paintsville, Bowling Green, Columbia, and Maysville. By the time the *Blue Ribbon Group* met in 1999, 82 counties were being served by one of 25 full-time public defender offices.

The *Blue Ribbon Group* called upon Kentucky public policymakers to complete the full-time system. “The full-time system should be completed.” The 2000 General Assembly adopted the Governor's budget enabling significant progress to be made toward the goal of completing the full-time system. In FY01, an additional 22 counties were added to an existing full-time office. 2 additional offices in Murray and Bullitt County were funded to begin operation in April of 2002. By the end of FY02, 110 counties will be part of Kentucky's full-time system.

Unfinished Business: Complete the Full-Time System

Ten counties remain to be added to the full-time system. In DPA's 2002 budget proposal, these ten counties will be added by the opening of four new offices, to begin operation at the end of FY03. These offices are as follows:

- Cynthiana: Harrison, Robertson, Pendleton, Bourbon, and Nicholas Counties. Bourbon is presently being served by the Frankfort Office.
- Boone County: Boone, Grant, Gallatin Counties. Gallatin is presently being served by the Covington Office.

- Glasgow: Barren, Metcalfe, and Monroe Counties. Monroe County is presently being served by the Columbia Office.
- Greenup: Greenup, Lewis, and Carter Counties. Lewis County is presently being served by the Maysville Office; Carter and Greenup Counties are presently being served by the Morehead Office.

Additional Support Staff Person for Each Office is Necessary to Complete the System

An essential part of this proposal is the addition of 1 support staff to the 20 offices in the trial system that have not previously had a support staff position added. At present, the standard configuration in an office is 3-9 lawyers, 1 secretary for every 3 lawyers, and 1 investigator. No trial office employs paralegals, and only a handful employ social workers or mitigation specialists. As a result, many lawyers are handling investigatory, clerical, and other similar duties.

In comparison, the ratio for attorneys in Kentucky according to the Kentucky Bar Association is 1.71 paralegals for every 2-6 attorneys, and 4.7 other personnel for 2-6 attorneys. Nationwide, the recommended ratio is .61 secretaries per each attorney, and .26 paralegals per attorneys.

The addition of 1 support staff person in the 20 offices is necessary to allow the attorneys in the offices to become more efficient, and to enable them to concentrate on legal work while relying upon support staff for the essential other duties necessary to adequately represent an indigent client.

Budget Request

DPA is requesting \$557,324 in the first year of the biennium, and \$2,273,344 in the second year of the biennium to complete the full-time system.

The Blue Ribbon Group Resolution enacted on September 26, 2001 supports this request. “The second phase of the BRG plan includes completion of a fully funded full-time public defender system throughout the state...Accordingly, the BRG urges immediate action to fully fund the Public Advocacy system in order to achieve this constitutionally mandated basic service for the people of the Commonwealth of Kentucky.” ■

Blue Ribbon Group Recommendation #10: “Fund Capital Defense.”

Blue Ribbon Group Recommendation #10 reads: “It is imperative that Kentucky reasonably fund indigent capital defense both at the trial and post-trial levels.” DPA’s 2000 budget request would have funded this recommendation. Unfortunately, this is one of the areas that went substantially unfunded in the 2000 General Assembly.

Reversals are Occurring at a High Rate

When a state wants to have the possibility of capital punishment as a sentence but fails to fund the defense component, one of the expected results is that cases would be reversed due to ineffective counsel. That is precisely what is occurring both nationwide and in Kentucky.

A 2000 Columbia University Report entitled “A Broken System: Error Rates in Capital Cases, 1973-1995” found that 68% of death verdicts had been reversed across the nation on appeal and post-conviction. One reason cited for these reversals was “chronically incompetent defense lawyers.”

The same phenomenon is occurring in Kentucky. 62% of capital verdicts have been reversed in Kentucky since the death penalty began again in 1976. This compares to 10.5% of civil and criminal cases reversed by the Kentucky Supreme Court in 2000. During the past year, 8 death verdicts were overturned including 2 for ineffective counsel.

The Constitution Project, a bipartisan group of eminent citizens who are both pro and anti death penalty issued a report in July of 2001 stating that “[e]very capital defendant should be provided with qualified and adequately compensated attorneys at every stage of the capital proceeding including state and federal post-conviction and *certiorari*.”

Unfinished Business

The primary unmet need in capital defense for Kentucky public defenders is at the trial level. At the present time, capital cases are handled primarily by local trial offices. The Capital Trial Branch located in the central office in Frankfort cannot handle the 50-90 potential capital cases that occur each year. The local trial attorneys carry caseloads averaging 420 new cases per lawyer per year. These caseloads make it exceptionally difficult to accommodate the handling of a capital case.

DPA proposes the creation of regional capital teams consisting of a lawyer, an investigator, and a mitigation specialist located in each of the 5 trial regions. This will take the pressure off the local trial offices, while at the same time ensuring that an adequately educated and experienced trial lawyer is handling the defense.

In addition, DPA proposes the addition of 1 lawyer whose job it is to represent the persons on death row as they appeal their convictions. DPA represents all of the persons presently on death row. This is time-consuming and complex work.

DPA’s proposal would cost \$607,490 in the first year, and \$990,272 in the second year of the biennium.

Kentucky citizens continue to want to have the death penalty as a possible penalty. In order to accommodate this, it is imperative that an adequate defense is provided to those persons charged with and convicted of capital crimes. ■



The Blue Ribbon Group at work.

The Completion of the BRG Recommendations

There are several other parts of the Kentucky indigent defense system recognized by the BRG as in need of completion. They are detailed below.

Appeals Branch Parity

In *Blue Ribbon Group Finding #10* the report reads that “[t]he Appellate Branch is limited in its ability to handle the workload in the court of Appeals and the Supreme Court.”

At the present time, DPA has 11 attorneys in the Appeals Branch and 4 persons in the Capital Appeals Branch. 2 lawyers are located in the Juvenile Post-Dispositional Branch who handle appeals to both the circuit courts and the appellate courts. 3 ½ lawyers in Jefferson County handle appeals from that county; Fayette County handles only the appeals to the Court of Appeals from that county. In comparison, the Attorney General’s Office appellate effort presently employs 28 lawyers.

DPA is proposing in its 2002 budget request to add 4 lawyers to the Appeals Branch. This will allow the majority of the 180 cases that are presently assigned to private lawyers to be handled in-house. The start-up for this addition would be \$151,137, with \$338,477 being needed for FY04.

Support for the Full-Time System

Blue Ribbon Group Finding #12 reads: “As DPA moves toward a fully staffed statewide program, the demands on the Law Operations Division (OPS) will grow dramatically. Currently, the number of staff at LOPS will need to be expanded during the implement” of the *Blue Ribbon Group* recommendations.

It is important not to neglect support for the full-time system as we complete it. In its 2002 budget request, DPA is proposing the following in order to support the completed system:

- 2 administrative staff, including an information technology person.
- 2 education staff (DPA presently has only 2 staff devoted to education.)

- 1 Post-Trial investigator.
- Increase in the rate paid private lawyers handling conflict cases.
- Equipment replacement.
- Law clerks.

The start-up costs for this request are \$588,359, with \$670,065 being required for FY04.

Access to Courts for Inmates and Juveniles

Blue Ribbon Group Finding #11 states that “the DPA Post-Conviction Branch is unable to provide representation to hundreds of inmates who have the right to counsel in Kentucky.”

At the present time, a small Post-Conviction Branch serves the over 15,000 inmates in Kentucky’s prisons. This Branch was created in the early 80’s as the result of a consent decree. This Branch not only provides access to courts for inmates but also represents all of the court-appointed post-conviction actions in the state’s trial courts. Inmates located in the states’ jails, including those sentenced to Class C and D felonies, do not have access to the services of the Post-Conviction Branch. DPA proposes to remedy this by adding 2 attorneys, 5 paralegals, and 1 secretary to provide services to the 4000+ Class C and D felons now serving time in jail.

DPA also provides access to courts pursuant to a consent decree for the state’s children in treatment and detention facilities. In order to meet the obligations of the consent decree, DPA proposes the addition of 3 staff to the Juvenile Post-Dispositional Branch.

The work of these two branches is essential to the fairness of our court system. Mistakes are sometimes made at the trial level. Those who are incarcerated have a right to open the courthouse door. The requested additions help preserve these rights and the fairness of our court system. The start-up costs for this proposal are \$208,396, with the completed costs for FY04 being \$467,509. ■



The Blue Ribbon Group at work.

Public Defender Funding Increases With Remainder Of Criminal Justice System

Kentucky's public defender system has been improved immensely through the support of Governor Patton and the General Assembly over the past 4 years. This improvement has taken place at the same time as other parts of the criminal justice system were also improving.

DPA Share Rises Slightly In FY98, DPA received 2.61% of the criminal justice budget, compared to 37.95% for Corrections, 20.16% for the judiciary, 15.26% for the state police, 9.80% for juvenile justice, 7.84% for the prosecution, 3.63% for criminal justice training, and 2.74% for justice administration. The total criminal justice budget in FY98 was \$737 million.

By FY02, DPA's share of the criminal justice dollar has risen slightly. In FY02, the criminal justice budget has risen to \$955,980,800, compared to \$830 million in FY00. In the current fiscal year, DPA receives 3.01%, compared to 2.61% 3 years ago. Corrections' share has increased to 34.97%, the judiciary has increased to 21.19%, the state police share has dropped to 13.92%, juvenile justice has risen to 13.64%, the prosecution has dropped to 7.32%, criminal justice training has dropped to 3.61%, and justice administration has dropped to 2.34%.

Prosecutors Also Receive Additional Funding It is always difficult to compare funding level for prosecutors and defenders and come up with anything meaningful. Many persons in district court proceed without counsel, while the Commonwealth is always represented there. Attempts to compare apples to apples usually fail when it comes to the district court level.

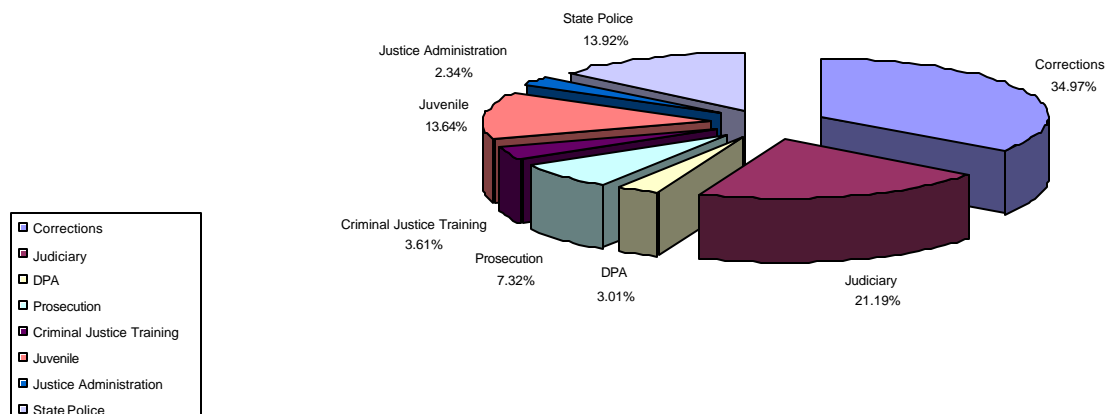
However, comparisons are a bit easier when made between Commonwealth's Attorneys and public defenders. In FY97, DPA handled 85% of the cases in circuit court. By FY01, this had risen to 90%. Thus, public defenders handled 90% of the caseload of Commonwealth's Attorneys.

At the same time, funding for prosecutors in both circuit and district court continues to be between 2 and 3 times that of public defenders. In FY97, prosecutors received approximately \$50 million compared to DPA's \$16 million. In FY01, that had changed to \$67 million for prosecutors compared to \$26 million for public defenders.

The Criminal Justice System Needs Balance DPA supports a balanced criminal justice system, including an adequately funded prosecution function. Citizens of Kentucky agree with this approach. In a Spring 2001 poll by the University of Kentucky Survey Research Center, 78.9% of Kentucky citizens expressed support for balanced resources for prosecutors and defenders.

DPA's proposed budget would restore balance to Kentucky's criminal justice system. *The Blue Ribbon Group* recognized this need in 1999 when it recommended an additional funding level of \$11.7 million annually. The 2000 budget went a long way toward completing the goal of balance by placing an additional \$6 million into DPA's annual budget for FY02. With the requested \$5.7 million for FY04, the *Blue Ribbon Group* recommendations would be completed, and balance in Kentucky's criminal justice system would be established.

A graph indicating these percentages of expenditure for each Kentucky criminal justice program is:



A map of Kentucky showing its 120 counties. Ten counties are highlighted in pink: Boone, Campbell, Hancock, Harlan, Johnson, Knott, Letcher, Mingo, Morgan, and Powell. The remaining 110 counties are shown in white with black outlines and labels. The highlighted counties are primarily located in the eastern and southern parts of the state.

Kentucky

Frankfort
(Includes Gallatin County)

Lexington

Shepherdsville

LaGrange

Louisville

Owensboro

Elizabethtown

Henderson

Madisonville

Paducah

Bowling Green

Stanford

London

Stanton

Hazard

Pikeville

Letcher

Clay

Knox

Whitley

Richmond

Somerset

Columbia

Murray

Hopkinsville

Christian

Todd

Logan

Simpson

Allen

Warren

Edmonson

Butler

Muhlenberg

Hopkins

Caldwell

Lyon

Marshall

Trigg

Callaway

Graves

Hickman

Fulton

Ballard

McCracken

Carlisle

Morehead

Maysville

Catlettsburg

Paintsville

Lawrence

Morgan

Johnson

Martin

Magoffin

Breathitt

Owsley

Jackson

Lee

Estill

Powell

Wolfe

Menifee

Boyd

Carter

Greenup

Lewis

Mason

Fleming

Bath

Royan

Elliott

Franklin

Scott

Bourbon

Nicholas

Monroe

Fayette

Clark

Madison

Cammar

Boyle

Marion

Washington

Spencer

Bullitt

Nelson

Grayson

Hardin

Alameda

Madison

Jefferson

Shelby

Henry

Oldham

Grant

Owen

Boone

Kenton

Lincoln

Casey

Taylor

Green

Adair

Russell

Palmer

Wayne

Clatsop

Monroe

Barren

Metcalfe

Cumberland

Monroe

Allen

Warren

Edmonson

Butler

Muhlenberg

Hopkins

Caldwell

Lyon

Marshall

Trigg

Callaway

Graves

Hickman

Fulton

Ballard

McCracken

Carlisle

Morehead

Maysville

Catlettsburg

Paintsville

Lawrence

Morgan

Johnson

Martin

Magoffin

Breathitt

Owsley

Jackson

Lee

Estill

Powell

Wolfe

Menifee

Boyd

Carter

Greenup

Lewis

Mason

Fleming

Bath

Royan

Elliott

Franklin

Scott

Bourbon

Nicholas

Monroe

Fayette

Clark

Madison

Cammar

Boyle

Marion

Washington

Spencer

Bullitt

Nelson

Grayson

Hardin

Alameda

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Carlisle

Morehead

Maysville

Catlettsburg

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Powell

Wolfe

Menifee

Boyd

Carter

Greenup

Lewis

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Graves

Hickman

Fulton

Ballard

McCracken

Carlisle

Morehead

Maysville

Catlettsburg

Paintsville

Lawrence

Morgan

Johnson

Martin

Magoffin

Breathitt

Owsley

Jackson

Lee

Estill

Powell

Wolfe

Menifee

Boyd

Carter

Greenup

Lewis

Mason

Fleming

Bath

Royan

Elliott

Franklin

Scott

Bourbon

Nicholas

Monroe

Fayette

Clark

Madison

Cammar

Boyle

Marion

Washington

Spencer

Bullitt

Nelson

Grayson

Hardin

Al

Governor Patton Presents Certificates of Appreciation To Department of Public Advocacy Law Clerks

On August 8, 2001 in the Capitol Rotunda in Frankfort, Kentucky, Governor Patton presented Certificates of Appreciation to 16 Department of Public Advocacy Law Clerks. These 1st, 2nd and 3rd year law school interns from the University of Louisville, the University of Kentucky, and Chase School of Law have spent the past several months working closely with DPA attorneys providing invaluable assistance with legal research, client interviewing, brief writing and investigating claims of innocence. DPA's practice of hiring law school students prior to their taking the Bar exam recruits future public defenders and exposes future private attorneys to the need for a high quality public defender system. In return, each student gains practical experience in the representation of indigent clients. The Governor expressed his appreciation for the important work they do in insuring good representation for the Department's clients.

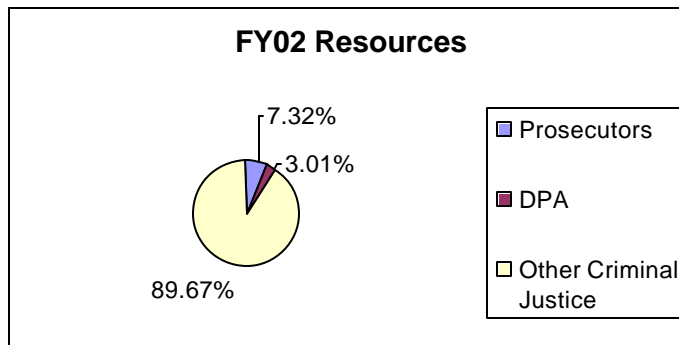


Left to right:

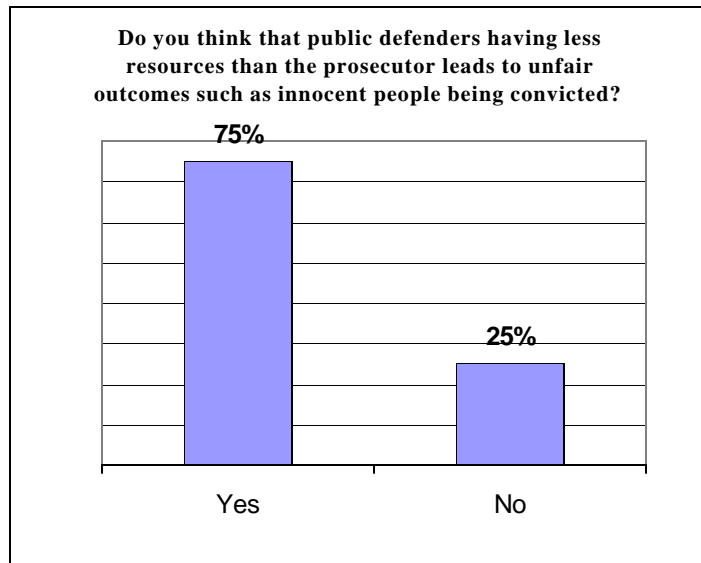
1st Row -Ed Monahan, Deputy Public Advocate, Brooke Johnson (Post-Conviction Branch), Jimmy Schaffer (Post-Conviction Branch), Kelly Menser (La Grange Trials Branch), Susan West (Administration), Tom Williams (Appellate Branch) and Governor Paul E. Patton.

2nd Row- Jeremy Rettig (Capital Post-Conviction Branch), Moriah Lloyd (Capital Appellate Branch), Jesse Robbins (Juvenile Post-Conviction Branch), Courtney Dike (Central Office-Trials Branch), Lisa Cobb (Post-Conviction Branch), Forrest Brock (Hazard Trials Branch), Jennifer Kenny (Juvenile-Post Conviction Branch), Vickie Arrowood (Capital-Trials Branch), Jenny Lafferty (Capital-Post Conviction Branch), Brian Thomas (Capital Appellate Branch), and Jared Squires (Appellate Branch).

Kentucky Public Defender Resources Have Risen with Other Parts of Criminal Justice System



75% of Kentuckians Fear Less Resources For Defenders Leads to Risk of Innocent Being Convicted

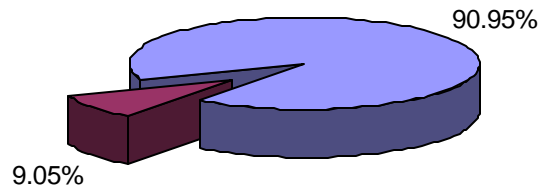


Results of *Spring 2001 Kentucky Survey* with 841 interviews completed between July 13 until September 7, 2001 by the University of Kentucky Survey Research Center. The margin of error is approximately ± 3.4 percentage points at the 95 percent confidence level.

When you come to a fork in the road take it.

Yogi Berra

Defenders handled 90.95% of criminal cases in circuit court.



■ DPA Circuit Cases ■ Additional Comm. Atty. Circuit Cases not Defended by DPA

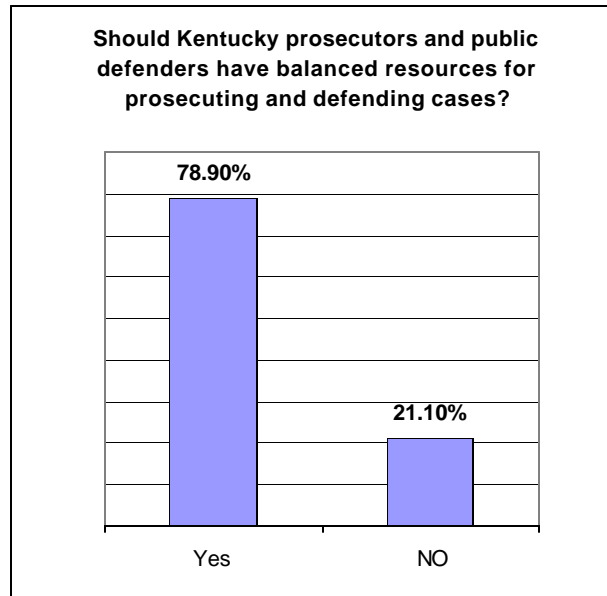
Indigent Defense Funding Decisions in Other States

Indigent defense systems in the following states have recently plunged into crises as they have not received the attention and funding necessary to insure adequate representation of indigent clients.

- Mississippi
- Georgia
- Alabama
- Texas

North Carolina created full-time system using Minnesota and Kentucky models.

8 Out Of 10 Kentuckians Want Public Defenders and Prosecutors to Have Balanced Resources



Results of *Spring 2001 Kentucky Survey* with 841 interviews completed between July 13 until September 7, 2001 by the University of Kentucky Survey Research Center. The margin of error is approximately ± 3.4 percentage points at the 95 percent confidence level.

Legislative Update
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